HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 789 of 2006

CRIMINAL SIDE

Bhagwati Singh s/o Sri Amar Singh
Village Pipali, Patwari Circle Pipali,
Tehsil & District Rudraprayag

....Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 1 of 2004
Under Sections 376, 323 and 452 I.P.C. and sec. 3/10 of S.C. & S.T. (Prevention of Atrocities) Act.
Patwari Circle Pipali, District Rudraprayag

Dated: 21.12.06

By the Court

Hon'ble Rajesh Tandon, J.

Heard R.P. Nautiyal Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant has applied for bail in case crime No. 1 of 2004 under Sections 376, 323 and 452 I.P.C. and sec. 3/10 of S.C. & S.T.(Prevention of Atrocities) Act, Patwari Circle Pipali, District Rudraprayag.

According to the prosecution case Smt. Dhagi Devi lodged F.I.R. mentioning therein that in the night of 4/5.9.2004 at about 1.30 to 2.00 AM, accused Bhagwati Singh and Surendra Singh entered into her house by breaking the door. They committed rape on the complaint and assaulted her children.

Counsel for the applicant has submitted that the

prosecutrix Smt. Dhagi Devi has filed an affidavit before the District Magistrate Rudraprayag on 27.1.2006, stating therein that the accused persons have not committed rape on her and that she has not lodged any report in the Patwari Chawki. Smt. Dhagi Devi is an illiterate woman but the prosecution has not disclosed the name of the scriber of the F.I.R. The F.I.R. has been lodged after six days of the incident but no explanation has been given by the prosecution for the delay.

I have considered the respective submissions of the parties. Without expressing anything on the merit of the case and considering the totality of facts and circumstances, in any opinion, it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

Rajesh Tandon, J.

Dated:21.12.2006
*Dhyani